

REMARKS

Applicant has cancelled claims 48 and 49 and amended claims 30, 35, 36, 39, 44 and 45. Claims 37, 38, 46 and 47 have been amended to correct minor matters of English usage. Applicant has added new claims 50 and 51.

Claims 35, 36, 44, 45 and 49 have been rejected under 35 USC 112, second paragraph as indefinite. Applicant respectfully traverses this rejection.

Applicant has amended claims 35 and 44 to state that each of the vertical partitions in the set is placed on a corresponding one of the vertical partitions in the another set. This amendment, which finds support in paragraph [0037] of the specification, somewhat broadens the scope of original claims 35 and 44 and overcomes the indefiniteness rejection of claims 35 and 44 since nothing in this language is "vague and indefinite." Similarly, the amendments to claims 36 and 45 overcome the corresponding indefiniteness rejection. The rejection of claim 49 is moot in view of the cancellation of the claim.

Claims 30-36, 39-45, 48 and 49 have been rejected under 35 USC 102(b) as anticipated by U.S. Patent No. 6,070,727 (Tindoll). Applicant respectfully traverses this rejection.

Claim 30 as amended recites a valve configured to inflate the first and second triangular walls and the first and second rectangular side walls of the packing material. This amendment finds support, for example, in paragraph [0022] of the specification. Because the claimed packing material includes a gas inlet valve, the packing material is shipped to a packing site easily so that the packing material is inflated just prior to a packing of an object. See, for example, paragraph [0010] of the specification.

The Examiner contends that Tindoll's packaging material shown in FIG. 5 corresponds to the claimed packaging material. However, Tindoll's packaging material is made of a plastic bubble sheet, as the Examiner admits at page 5 of the Action. Persons of ordinary skill in the art would have understood that a plastic bubble sheet is inflated when it is manufactured and thus includes no valve configured to inflate the packing material as claimed. In fact, Tindoll says nothing about a gas inlet valve of a packing material.

Claim 30 has been also amended to state that the first and second triangular walls each have two sides of the same length. This amendment finds support, for example, in FIG. 1 of the application. Applicant notes that Tindoll does not disclose this claim limitation.

Claim 39 also recites a gas inlet valve. Claims 48 and 49 have been cancelled.

The rejection of claims 30-36 and 39-45 under 35 USC 102(b) on Tindoll should be withdrawn because Tindoll does not teach or suggest the claimed valve configured to inflate the packing material at all.

The remaining rejection relies on Tindoll and thus should be withdrawn as well because Tindoll does not provide the teachings for which it is cited.

New claims 50 and 51 find support, for example, in paragraph [0037] of the specification and FIG. 13 of the application. Applicant notes that Tindoll does not disclose claimed layered sub bag structure with the horizontal partition.

In light of the above, a Notice of Allowance is solicited.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952, referencing Docket No. 578222000100.

Respectfully submitted,

Dated: November 1, 2006

By:

A handwritten signature in dark ink, appearing to read "Barry E. Bretschneider", with a large, stylized "R" and "B" at the beginning. To the right of the signature, the text "Reg # 5,640" is handwritten.

Barry E. Bretschneider
Registration No. 28,055

Morrison & Foerster LLP
1650 Tysons Boulevard, Suite 300
McLean, VA 22102-3915
Telephone: (703) 760-7743
Facsimile: (703) 760-7777